

EXHIBIT B



Trevor Baylis <trevor.baylis@gmail.com>

U.S. Copyright Office Application - 1-12871802321 Iron Sky

5 messages

Copyright Office <cop-ad@loc.gov>
 To: trevor.baylis@gmail.com

26 September 2023 at 22:36

Dear Trevor Baylis:

Please respond to the questions below within 45 days and include the [THREAD ID], using the brackets, as part of your response. The [THREAD ID] is located below the Examiner's signature block. The [THREAD ID] must be in the body of your response, NOT the subject line. If you put the [THREAD ID] in the subject line, we will not get your message.

My name is Saskia Florence and I am Mr. Emmett's supervisor. I have taken this case over as he is on leave and does not have access to email.

From my understanding, there has been correspondence regarding the authors of this motion picture. It appears that there might be some misunderstanding regarding work made for hire.

After looking at your application, it appears that you've named about 10 individuals on your application as authors, with the work made for hire answered "yes" or "no". Please note that an application for copyright registration must be filed according to the U.S. Copyright law. I understand that in other countries, copyright law and work made for hire can be quite different.

Usually several people are involved in making a motion picture on videotape or film. These may include the producer, director, writer, camera operator, editor, and others. These individuals may also be the authors of the work. Often, however, they are employed by a company or another individual to make the motion picture, and the resulting work is a "work made for hire." In this case, the employer is the legal author. (See Circular 30 for more information about "works made for hire" <https://www.copyright.gov/circs/circ30.pdf>)

Please reply and give us complete and accurate authorship information. If the entire work was "made for hire," tell us the employer's name. Do not give the names of the employees. Do not state that you "own" or are "doing business as" as an LLC or corporation. We will then amend the record naming the employer as the sole author and claimant of the "entire motion picture" in a "work made for hire." (See No. 1 on the enclosed Motion Picture Authorship Leaflet.)

Or, if no part of the work was "made for hire," name the individuals who made the motion picture and briefly describe what each person did, for example, "producer," "director," "script writer," "camera operator," and so forth. (See No. 2 on the Authorship Leaflet.) We will amend the registration record accordingly.

Possibly part of the work was "made for hire" and part was not. If so, give us the appropriate information and we will amend the record accordingly. (See No. 3 on the Authorship Leaflet.)

Finally, give the name and address of the copyright claimant. The claimant is the person(s) or organization that owns all rights in the motion picture. If any claimant is not an author, give us your authorization to add a transfer statement briefly describing how the claimant obtained ownership of the copyright, perhaps "by written agreement."

Per your response, I will remove the band name as an author of this application since they do not own any of the copyright to the film. In addition, we will exclude the script and add the previous registration number to the application.

I look forward to receiving your response. If the situation is otherwise, please let us know so that we can advise you accordingly.

Please note that if we do not receive a response to this message within 45 days, we will close this case without processing your registration or notifying you further. The fee is not refundable. When you reply, you must include the thread given below in the body of your message to ensure that your reply is connected to your case.

BAYLIS_I

Sincerely,

Saskia Florence
Supervisory Registration Specialist
Performing Arts Division
Motion Picture Team
U.S. Copyright Office

When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office.

[THREAD ID:1-5ZHS75O]

Trevor Baylis <trevor.baylis@gmail.com>
To: Copyright Office <cop-ad@loc.gov>

27 September 2023 at 00:01

Hi Saskia
Thanks for you email.

Re "Usually several people are involved in making a motion picture on videotape or film. These may include the producer, director, writer, camera operator, editor, and others. These individuals may also be the authors of the work."

Yes! There are "and others" as authors of Iron Sky.

In short the application I have made is as accurate as it can be (other that the band Laibach which has now been excluded).

I do have a high degree of erudition regarding copyright law and I understand your quandary about work for hire regarding films in general. However Iron Sky was supposed to be a 'new type of film making' brought about by the advent of the Internet and the availability of powerful 3D animation software such as Audodesk Maya.

This meant that amateurs can make films as a joint/collaborative project.

Iron Sky is more or less the first of this type of 'new film making'. it also means that "work for hire" doesn't relate to this type of film making as the 3D artist such as myself were able to come up with and execute our own ideas as we orchestrated everything on screen as our own 3D animation expression without ever being in any employment relationship. Thus, not only is "work for hire" NOT a thing in Finland, it cannot be applied under US law either as the 3D artists in question made works and contributed to the film without being in an employment relationship. If you were to take out the 3D animation work then it would not be a viable film as it would have massive gaps in the narrative and green screen backgrounds to the live action works.

It cannot be the case that the 3D animation work for Iron Sky fits the criteria for "Work for Hire" under US law as the 3D artists were not actually in an employment relationship with the producers. For instance I have included in the application my own document related to the making of the film in which it states at paragraph 6, (
[translated]

"6. The person participating in the internship/work life coaching is not in an employment or other service relationship with the organizer of the internship/work life coaching mentioned in this contract, nor with the labor and business administration." (see WTAgreement. Attached)

Therefore in regards to US Copyright Office Circular 30 Work For Hire,

""Scope of Employment"

For an employee's work to be considered a work made for hire, the work must be created within the employee's "scope of employment." (page 3)

It cannot be the case that the 3D animation work for Iron Sky fits the criteria for "Work for Hire" under US law as the

3D artists were not actually in an employment relationship with the producers as demonstrated by the erstwhile mentioned attached document section 6 (WTAgreement)

Thus for the 'chain of title' for Iron Sky to be complete then the 3D artists have to be named as authors. There is no way around this as there was no actual employer and not valid work for hire agreements (even under US law). **The producers have never owned the rights to any of the 3D animation work.** They have utilized the work under a kind of tacit 'implied license' (user license) rather than any exclusive transfer agreement. That is to say the producers could not, and can not, produce any valid work for hire agreement themselves, or any other agreement that would vest copyright 'ownership' to them. **Thus the 3D artist remain authors of the film to complete the chain of title!**

Additionally, if one were to examine the script of Iron Sky there are no descriptions or any adequate delineations of the 3D animated content that make up a large part of the film. The script writer, producers, cinematographer and director had nothing at all to do with the 3D animation work. So they can't claim any authorship of it themselves. They couldn't even say themselves who created the 3D animation work as they were in Germany or Australia doing the live action green screen work. They were as far away in the world from the 3D animation work as it is possible to be at that stage!

I was the modeling supervisor as part of my role (amongst other things) so I know who did what. The names of artists can also be found in the original 3D files meta data. This fulfills criteria under Berne convention article 15 as there is a presumption of authorship rule related to the authors name on the works.

So if the producers have not registered anything other than the manuscript before in previous registrations it's because they had/have nothing else to register! It is my understanding that Johanna Sinisalo is the author of that manuscript and she would have provided information herself to the Copyright Office along with the producers. The film itself including the 3D work has not been registered previously.

Therefore, the information I have is provided correct and should compliment the existing registration to complete the chain of title regarding authorship as it ties together the 3D animation work to the film that was missing from the script (previous registration), and as you have said, you will add the previous registration number to the application. That should make the film complete regarding authorship.

So to be clear regarding my application to the copyright office,

Re: US Copyright Office Circular 30 Work For Hire

Question 3: Is there a written agreement between the commissioning party and the creator of the work?

No? The work is not a work made for hire

[THREAD ID:1-5ZHS75O]

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Copyright Office <cop-ad@loc.gov>
To: trevor.baylis@gmail.com

28 September 2023 at 17:52

Dear Trevor Baylis,

Thank you kindly for your response. I have approved your registration, based on your thorough answers. You should receive your certificate within a few weeks.

Sincerely,

Saskia Florence
Supervisory Registration Specialist
Performing Arts Division
Motion Picture Team
U.S. Copyright Office

When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office.

[THREAD ID:1-5ZHS750]

-----Original Message-----

From: trevor.baylis@gmail.com
Sent: 9/26/2023 05:01:29 PM
To: Copyright Office <cop-ad@loc.gov>
Subject: Re: U.S. Copyright Office Application - 1-12871802321 Iron Sky